

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON BOYCE,

Plaintiff,

v.

BRUCE WEBER and LITTLE BEAR, INC.

Defendants

Case No. 1:19-cv-03825-JMF

**DECLARATION OF DANIEL L.
BROWN IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I, Daniel L. Brown, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney with the law firm of Sheppard Mullin, counsel for Defendant Bruce Weber ("Defendant" or "Mr. Weber").

2. I respectfully submit this Declaration in connection with Defendant's Motion for Summary Judgment dismissing the First Amended Complaint of plaintiff Jason Boyce ("Plaintiff") in the above-entitled action.

3. I have personal knowledge of all facts stated in this Declaration, and if called to testify, I could and would testify competently thereto.

4. Attached as Exhibit A are true and correct copies of excerpts of the transcript of the deposition of Plaintiff Jason Boyce, dated July 9, 2019

5. Attached as Exhibit B are true and correct copies of excerpts of the transcript of the deposition of Bruce Weber, dated September 19, 2019.

6. Attached as Exhibit C is a true and correct copies of excerpts of the transcript of the deposition of David Todd, dated March 5, 2019.

7. Attached as Exhibit D is a true and correct copy of Little Bear's Response to

Plaintiff's Interrogatory No. 11.

8. Attached as Exhibit E is a true and correct copy of a redline comparing the FAC with the Original Complaint.

9. Attached as Exhibit F is a true and correct copy of an email, dated August 26, 2010, between Plaintiff and David Todd.

10. Attached as Exhibit G is a true and correct copy of an email, dated April 18, 2011, between Plaintiff and David Todd.

11. Attached as Exhibit H is a true and correct copy of an email, dated April 19, 2011, between Plaintiff and David Todd.

12. Attached as Exhibit I is a true and correct copy of an email, dated April 19, 2011, between Mr. Weber and David Todd.

13. Attached as Exhibit J is a true and correct copy of an email, dated April 20, 2011, between David Todd and Mr. Weber.

14. Attached as Exhibit K is a true and correct copy of an email, dated April 20, 2011, between Plaintiff, David Todd, and Mr. Weber's assistant.

15. Attached as Exhibit L is a true and correct copy of an email, dated April 20, 2011, from Mr. Weber's assistant to Mr. Weber about Plaintiff.

16. Attached as Exhibit M is a true and correct copy of a text message chain, dated March 1-7, 2013, between David Todd and Mr. Weber.¹

17. Attached as Exhibit N is a true and correct copy of a text message chain, dated February 18, 2014, between David Todd and Mr. Weber.

¹ This and other nude photos included with the motion are redacted out of respect for the Court and at the request of Plaintiff's counsel.

18. Attached as Exhibit O is a true and correct copy of an email, dated June 2, 2014, between Jason Kanner and Mr. Weber.

19. Attached as Exhibit P is a true and correct copy of an email, dated November 19, 2014,² between Jason Kanner and Mr. Weber about Plaintiff.

20. Attached as Exhibit Q is a true and correct copy of an email chain, dated November 21 between Jason Kanner and Mr. Weber.

21. Attached as Exhibit R is a true and correct copy of text message, dated November 24, 2014, between Plaintiff and Mr. Weber.

22. Attached as Exhibit S is a true and correct copy of an email, dated November 27, 2014, between Jason Kanner and Mr. Weber about Plaintiff and another model named Braeden.

23. Attached as Exhibit T is a true and correct copy of an email, dated December 5, 2014, between Jason Kanner and Mr. Weber.

24. Attached as Exhibit U is a true and correct copy of an email, dated December 11, 2014, between Jason Kanner and Mr. Weber yet again

25. Attached as Exhibit V is a true and correct copy of an email, dated December 15, 2014, between Jason Kanner and Mr. Weber.

26. Attached as Exhibit W is a true and correct copy of a text message chain, dated December 16, 2014, between Plaintiff and David Todd.

27. Attached as Exhibit X is a true and correct copy of an email, dated December 16, 2014, between Jason Kanner and Mr. Weber.

28. Attached as Exhibit Y is a true and correct copy of text message chain, dated

² Time stamps on emails vary given time zones. For example, some record evidence reflects that this email was sent the evening of November 19, while others reflect just after midnight on November 20.

March 14, 2015, between Plaintiff and Mr. Weber.

29. Attached as Exhibit Z is a true and correct copy of an text message chain, dated April 27, 2015, between Plaintiff and Mr. Weber.

30. Attached as Exhibit AA is a true and correct copy of a text message chain, dated May 16-29, 2015, between Plaintiff and Mr. Weber.

31. Attached as Exhibit BB is a true and correct copy of an email, dated April 10, 2016, between Jason Kanner and Mr. Weber about Plaintiff.

32. Attached as Exhibit CC is a true and correct copy of an email, dated April 10, 2016, between Mr. Weber and Jason Kanner.

33. Attached as Exhibit DD is a true and correct copy of an email, dated April 10, 2016, between Mr. Weber and Jason Kanner.

I declare under penalty of perjury under the laws of the United States of America and New York that the foregoing is true and correct.

Executed on February 20, 2020
New York, New York.

/s/ Daniel L. Brown
Daniel L. Brown